

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 13, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:10od-066

OAHU

Amend General Lease No. S-5806 for Private Noncommercial Pier Purposes; Sevath
S. Tanaka Trust, Lessee; Kaneohe, Koolaupoko, Oahu; TMK (1) 4-5-1:seaward of 39

BACKGROUND:

On November 19, 2004, under agenda item K-2, the Board approved Conservation District Use Permit (OA-3198) for pier. Subsequently, on January 28, 2005, under agenda item D-9, the Board authorized the issuance of a direct lease to the lessee for private noncommercial pier purposes. Lease was signed in August 2005 (GL 5806) for an area of 550 square feet.

Around September 2008, staff received an inquiry from the land surveyor representing the owner pertaining to revising the pier area to 795 square feet. The land surveyor explained that due to some modification during the construction of the pier, some modifications were made which resulted in a greater area. The additional area is shown on Exhibit A.

Office of Conservation and Coastal Lands (OCCL) brought the case to the Board on December 11, 2009, under agenda K-1 for violation of the conditions in CDUA (OA-3198) due to the greater area. The lessee was fined by the Board for a total of \$2,200 due to the violation. After the Lessee has paid the fine and provided the as-built drawings to OCCL pursuant to the terms and conditions of CDUP, OCCL closed its file.

According to OCCL's submittal in December 2009, the pier is intended to be the replacement of a previous pier and it is located generally at the same location with the same purpose. Further, there is no sandy beach in the subject area. The larger pier does not create any further environmental impact. Therefore, staff recommends the Board declare the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 4 in Hawaii Administrative Rules 11-200-8 (a), which reads "minor alterations in the conditions of land, water and vegetation."

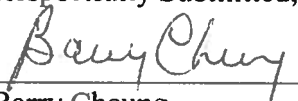
Due to the change in the pier area, staff recommends the Board authorize the amendment of GL 5806 by revising the area, subject to a one-time payment of the additional area. The applicant is required to provide map and description of the revised area, and the payment for

the additional area would be based on the pro-rated unit value of the GL 5806, further subject to review and approval by the Chairperson.

RECOMMENDATION: That the Board:

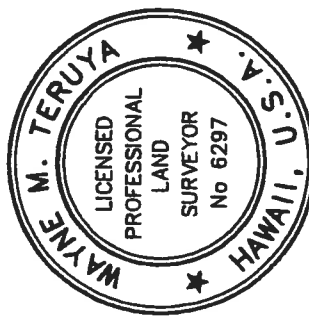
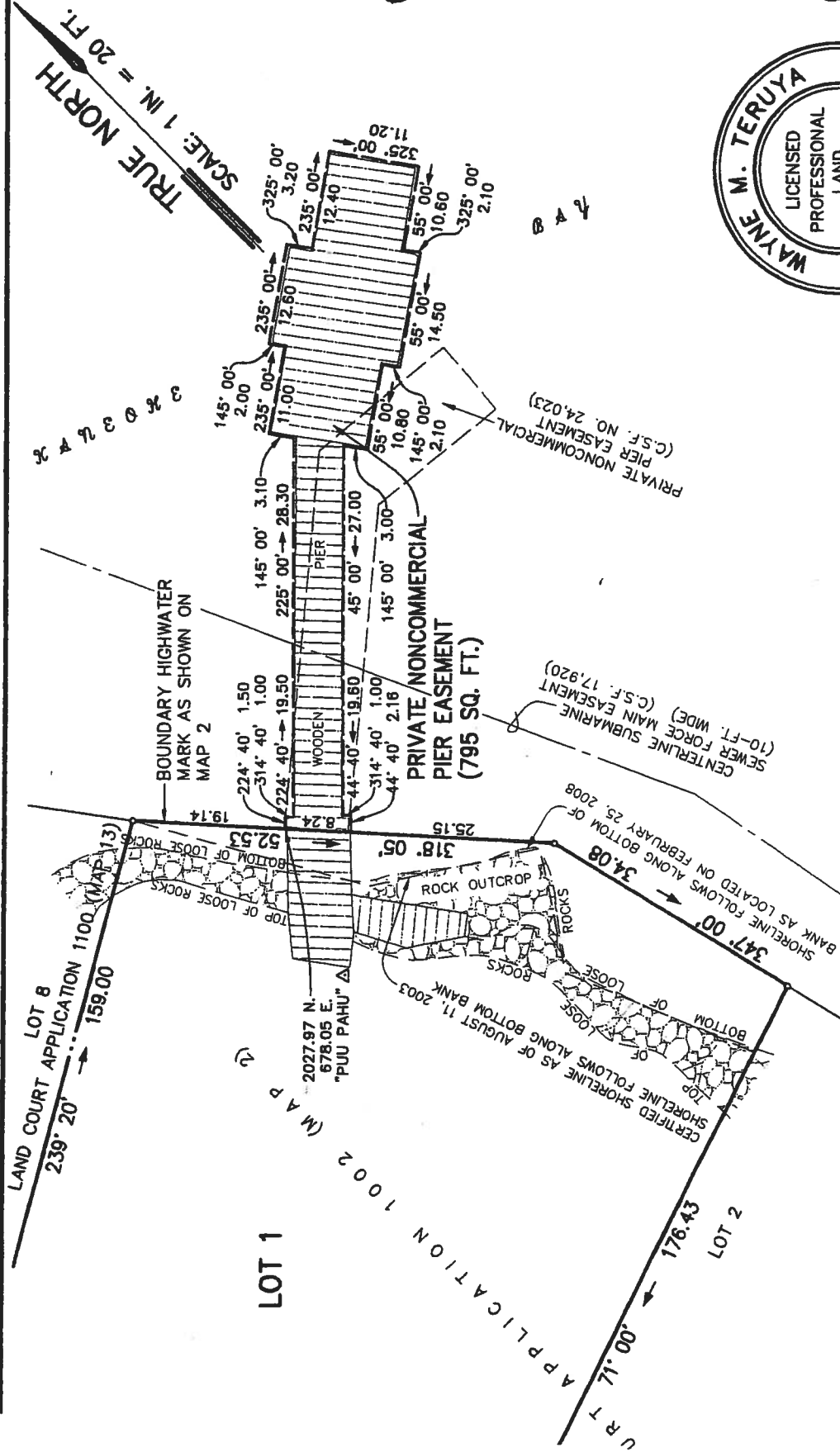
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (1) 4-5-001:039, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
3. Subject to the Applicant providing map and description and a one-time payment consideration for the additional area, authorize the amendment of General Lease No. 5806 by revising the leased area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The Additional area subject to review and approval of the Department and Accounting and General Services, Survey Division;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
 - D. Any shoreline hardening policy that may be adopted by the Board prior to execution of the grant of easement

Respectfully Submitted,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Laura H. Thielen, Chairperson



THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION
Par En, Inc.
dba PARK ENGINEERING

Wayne M. Teruya
LICENSED PROFESSIONAL SURVEYOR
CERTIFICATE NUMBER 6297

MAP SHOWING PRIVATE NONCOMMERCIAL PIER EASEMENT FRONTING LOT 1 AS SHOWN ON MAP 2 OF LAND COURT APPLICATION 1002 AT KANEHOE, KOOLAUPOKO, OAHU, HAWAII

DATE: SEPTEMBER 11, 2008
OWNER: SEVATH S. TANAKA TRUST
ADDRESS: 45-2 LILIPUNA ROAD

PAREN, INC.
DBA PARK ENGINEERING
DANIEL PARK PLAZA
SUITE 1500

KEY: 4-5-01:39

EXHIBIT "A"